

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION

UNITED STATES OF AMERICA,)
)
)
Plaintiff,)
)
)
v.) Criminal Action No.
) 08-00269-01-CR-W-ODS
HUGO ESPINOZA ESTRADA,)
)
)
Defendant.)

**MEMORANDUM OF MATTERS DISCUSSED AND
ACTION TAKEN AT PRETRIAL CONFERENCE**

Pursuant to the order of the Court en banc of the United States District Court for the Western District of Missouri, a pretrial conference was held in the above-entitled cause before me on December 19, 2008. Defendant Estrada appeared in person and with appointed counsel Ronna Holloman-Hughes. The United States of America appeared by Assistant United States Attorney Justin Davids.

I. BACKGROUND

On December 15, 2008, a superseding indictment was returned charging Defendant with one count of possession with the intent to distribute methamphetamine, in violation of 21 U.S.C. §§ 841(a)(1) and (b)(1)(B); one count of possession with the intent to distribute methamphetamine on premises in which one or more individuals under the age of 18 years was present and resided, in violation of 21 U.S.C. §§ 841(a)(1),(b)(1)(B) and 860a; and one count of illegal reentry into the United States, in violation of 8 U.S.C. § 1326.

The following matters were discussed and action taken during the pretrial conference:

II. TRIAL COUNSEL

Mr. Davids announced that he will be the trial counsel for the government. The case agent to be seated at counsel table is Luis Ortiz, Kansas City, Missouri Police Department.

Ms. Holloman-Hughes announced that she will be the trial counsel for Defendant Estrada.

III. OUTSTANDING MOTIONS

There are no pending motions in this case.

IV. TRIAL WITNESSES

Mr. Davids announced that the government intends to call five witnesses without stipulations or four witnesses with stipulations during the trial.

Ms. Holloman-Hughes announced that Defendant Estrada does not intend to call any witnesses during the trial. Defendant will not testify.

V. TRIAL EXHIBITS

Mr. Davids announced that the government will offer approximately five exhibits in evidence during the trial.

Ms. Holloman-Hughes announced that Defendant Estrada will offer approximately ten exhibits in evidence during the trial.

VI. DEFENSES

Ms. Holloman-Hughes announced that Defendant Estrada will rely on the defense of general denial.

VII. POSSIBLE DISPOSITION

Ms. Holloman-Hughes stated this case may be for trial.

VIII. STIPULATIONS

Stipulations are likely as to chain of custody and chemist's reports.

IX. TRIAL TIME

Counsel were in agreement that this case will take one and a half days to try.

X. EXHIBIT LIST, VOIR DIRE AND INSTRUCTIONS

The U. S. Magistrate Judge ordered:

That, in addition to the requirements of the Stipulations and Orders filed October 24, 2008, counsel for each party file and serve a list of exhibits he or she intends to offer in evidence at the trial of this case on the form entitled Exhibit Index and have all available exhibits premarked using the stickers provided by the Clerk of Court by Friday, December 19, 2008;

That counsel for each party file and serve requested jury voir dire examination questions by or before noon, Monday, December 29, 2008;

That counsel for each party file and serve, in accordance with the requirements of Local Rule 51.1, requested jury instructions¹ by or before noon, Monday, December 29, 2008. Counsel are requested to provide proposed jury instructions in both hard copy form, as required by Local Rule 51.1, and by e-mail to the trial judge's courtroom deputy.

XI. UNUSUAL QUESTIONS OF LAW

No motions in limine are anticipated. There are no unusual questions of law.

XII. TRIAL SETTING

All counsel and Defendant were informed that this case will be listed for trial on the joint criminal jury trial docket which commences on January 5, 2009. A Spanish-speaking interpreter is

¹Counsel in all cases assigned to be tried before Chief Judge Fernando Gaitan, Jr., as reflected in the trial letter which is prepared by Judge James England, shall meet and prepare a packet of agreed proposed jury instructions to be submitted to Judge Gaitan and e-mailed to marylynn_shawver@mow.uscourts.gov and rhonda_enss@mow.uscourts.gov by Tuesday, December 30, 2008. To the extent there are disagreements to certain instructions, each attorney shall tab and submit his or her preference on those instructions. The instructions shall be listed in the order they are to be given.

required.

Defense counsel stated Defendant plans to plead guilty to Counts One and Three of the superseding indictment. Defendant wants to go to trial on Count Two, and is willing to waive a jury and specific findings of fact and conclusions of law.

/s/ Robert E. Larsen
ROBERT E. LARSEN
United States Magistrate Judge

Kansas City, Missouri
December 19, 2008

cc: The Honorable Ortrie D. Smith
Mr. Justin Davids
Ms. Ronna Holloman-Hughes
Mr. Jeff Burkholder